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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Human Rights Council must urge States to address barriers to girls' right to education[1]

Amnesty International welcomes this timely opportunity provided by the HRC Panel discussion on realizing the equal enjoyment of the right to education by every girl. It takes place at a key moment, when UN member states are negotiating the targets, indicators and mechanisms for financing, implementation and monitoring of the new Sustainable Development Goals (SDGs). In order for the SDGs to be a truly transformative agenda and deliver for all women and girls, states must ensure that gender equality is enabled across all goals, targets and indicators, including by identifying and removing gender specific barriers that prevent women and girls from fully enjoying their rights, including the right to education.

All individuals have the right to available, accessible, acceptable and adaptable education, free from discrimination. Education is both a human right in itself and an indispensable means of realizing other human rights. Girls face multiple barriers in accessing their right to education linked to persistent gender discrimination and inequality in society. Gender stereotypes that portray women's primary role as mothers and treat girls solely as potential child-bearers and attitudes towards sexual activity before marriage and adolescent sexuality influence the attitudes and beliefs of families, communities and officials working in education institutions in many countries. These attitudes and beliefs can negatively influence the development of laws, policies and programmes thereby resulting in poor educational outcomes for girls and impacting on their enjoyment of other human rights such as the rights to health, work and those supporting public participation.

Discriminatory gender stereotyping limits women's and girls' ability to access a range of rights, including education. The Committee on the Elimination of Discrimination against Women (CEDAW) has called on states to take all necessary action "including the dismantling of patriarchal barriers and entrenched gender stereotypes" to ensure that girls can access their right to education. Similarly, the Committee on Economic, Social and Cultural Rights (CESCR) has clarified that "states parties are obliged to remove gender and other stereotyping which impedes the educational access of girls, women and other disadvantaged groups".

Gender stereotyping and its resulting differential treatment of girls can have a significant impact on girls' access to, and experience of, education. Parental beliefs that educating their sons is more important than their daughters can result in girls not being enrolled in or dropping out of school. Discriminatory gender stereotyping is compounded by other forms of discrimination and stereotyping related to other aspects of identity such as ethnicity, religion, sexual orientation or gender identity, which can also adversely affect access and quality of education.

Educational materials, methodologies and curricula that are not gender-sensitive, including where teachers have lower expectations of female students and teaching materials lack any strong female role models, perpetuate and further entrench gender discrimination. In some countries, strict enforcement of dress and conduct codes in universities, coupled with a curriculum that reinforces women's gender role as mothers and homemakers, and quotas limiting female enrolment in particular courses, all have an adverse impact on female students' access to education.

Violence against girls constitutes another barrier to their right to education. States have international obligations to guarantee the right of all children to protection from violence and to prevent and prosecute gender-based violence, including when perpetrated by non-state actors, and provide access to justice and remedies to victims. However, effective prevention and responses to violence are often not systematically factored into government educational policies and programmes.

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[1] **A version of this statement published on the Amnesty International website includes footnotes and other information** AI Index: IOR 40/1703/2015, https://www.amnesty.org/en/documents/ior40/1703/2015/en/

Gender-based violence in and around educational institutions is a human rights issue in itself and a significant impediment to girls' right to education. Girls and young women are more likely to be subjected to gender-based and sexual violence. In addition to causing physical and psychological damage, such violence can also impact on their chances of educational success. Violence or the fear of violence is one of the reasons for girls' dropping out of school or for not participating fully. The risk of violence may be higher for girls who are also subjected to discrimination on the grounds of other aspects of their identity such as their minority status, disability or sexual orientation or gender identity.

Mechanisms for reporting, monitoring and responding to violence in school, including through school inspections, should be put in place to challenge impunity for gender-based violence. Such mechanisms should respect confidentiality, and should be implemented in a manner that does not discourage victims from reporting violence because they fear further victimization, ridicule or inaction.

Accurate and objective sexuality education is critical to both advancing public health and promoting human rights. In order to make informed decisions about sexuality and reproduction, individuals need accessible, quality and comprehensive information. However, inadequate counselling tools and services, limited or no sexuality education in and out of schools, misinformation about sexual and reproductive health issues, including abortion, the safety and effectiveness of contraceptives, and discriminatory information about gender and sexual orientation hinder people's ability to make informed decisions and to exercise their human rights. These challenges have been exacerbated in recent years with some countries criminalizing the dissemination of sexual and reproductive health information.

The Office of the High Commissioner for Human Rights has specifically identified lack of comprehensive sexuality education as an underlying cause of adolescent pregnancy. Pregnancy-related deaths are the leading cause of death for adolescent girls in developing countries. The Committee on the Rights of the Child (CRC) has stated that sexuality education should aim to transform cultural views against adolescents' access to contraception and other taboos regarding adolescent sexuality. Research has shown that egalitarian gender attitudes are associated with safer sexual behaviours such as consistent use of contraceptives, especially condoms. However, some educational materials actively promote discriminatory and negative stereotypes, particularly concerning sexual orientation. Addressing the increasing prevalence of ideologically driven programmes that frequently promulgate medically inaccurate and biased information, the CESCR and CRC have clarified that the rights to health and information require states to refrain from censoring, withholding or misrepresenting health-related information.

Accountability and remedies are essential to ensure that the right to education is fully implemented in all countries, that all individuals and groups can equally enjoy it without discrimination, and that appropriate remedial action is taken to address both individual violations and systemic failings. According to the Special Rapporteur on the right to education, "all providers of education – public or private – remain accountable for respecting the right to education in its various dimensions". States must collect data on how this right is being implemented, which is disaggregated on grounds of gender, religion, and other grounds of discrimination that are relevant to specific contexts. This is essential to assess whether education programmes are benefiting everyone, including marginalised groups, and to identify particular obstacles.

Amnesty International calls on the Human Rights Council to urge all States to:

- Eliminate discriminatory gender stereotypes to ensure all women and girls have equal access to quality education, including through reforming policies, programmes and practices that limit and discourage women's and girls' participation in education;

- Ensure that all educational curricula, teaching methodologies and materials are developed and implemented in a non-discriminatory manner, without reinforcing gender stereotypes and by actively challenging discrimination, stigma and prejudice, and that the capacity of teachers is developed to provide comprehensive and accurate information in a safe learning environment.

- Decriminalise the provision of information relating to sexual and reproductive health, including evidence-based sexual and reproductive health education.

- Enact and enforce laws, policies and procedures to prevent and address gender-based violence, including in and around educational institutions, through ensuring availability of confidential and independent reporting mechanisms, effective investigation and criminal prosecutions when appropriate, access to justice, remedy and support services to survivors, capacity building of school and inspection personnel, school codes of conduct for all school staff and students, appropriate school infrastructure, including sex-segregated toilets and supervised playgrounds, to guarantee safety of all students. Ensure that adequate public funding is provided to these activities;

- Provide support services for girls who have suffered violence. These include counseling; medical treatment; emergency contraception; HIV/AIDS information, medication and support services; comprehensive information on sexual and reproductive rights; and support for reintegration into the school system of girls who are living with HIV and/or are pregnant, married or have given birth;

- Provide comprehensive sexuality education in and out of school, which is scientifically accurate, age-appropriate and non-discriminatory, and provided without need for parental consent;

- Ensure access to remedy in cases of violations of the right to education, and other related human rights;

- Monitor the implementation of girls' right to education and collect and disaggregate data on its implementation on grounds of gender, ethnicity, region, and other relevant grounds.